

File No. 569

(Reprint of File No. 211)

Substitute House Bill No. 5510
As Amended by House Amendment
Schedules "A", "B", "C" and "D"

Approved by the Legislative Commissioner
April 17, 1998

AN ACT CONCERNING PROFESSIONAL COUNSELORS,
HAIRDRESSER AND COSMETICIANS AND DIAGNOSTIC
RADIOLOGY SERVICES.

Be it enacted by the Senate and House of
Representatives in General Assembly convened:

1 Section 1. Section 2 of public act 97-311 is
2 repealed and the following is substituted in lieu
3 thereof:

4 (a) Except as provided in subsection (c) of
5 this section, no person may practice professional
6 counseling unless [he is] licensed pursuant to
7 section 20-195cc.

8 (b) No person may use the title "licensed
9 professional counselor" or make use of any title,
10 words, letters or abbreviations that may
11 reasonably be confused with licensure as a
12 professional counselor unless [he is] licensed
13 pursuant to section 20-195cc.

14 (c) No license as a professional counselor
15 shall be required of the following: (1) A person
16 who furnishes uncompensated assistance in an
17 emergency; (2) a clergyman, priest, minister,
18 rabbi or practitioner of any religious
19 denomination accredited by the religious body to
20 which [he] THE PERSON belongs and settled in the

21 work of the ministry, provided the activities that
22 would otherwise require a license as a
23 professional counselor are within the scope of
24 ministerial duties; (3) a sexual assault
25 counselor, as defined in section 52-146k; (4) a
26 person participating in uncompensated [self-help
27 group counseling or peer] GROUP OR INDIVIDUAL
28 counseling; (5) a person licensed or certified by
29 any agency of this state and performing services
30 within the scope of practice for which [he is]
31 licensed or certified; (6) a student, intern or
32 trainee pursuing a course of study in counseling
33 in a regionally accredited institution of higher
34 education, provided the activities that would
35 otherwise require a license as a professional
36 counselor are performed under supervision and
37 constitute a part of a supervised course of study;
38 (7) a person employed by an institution of higher
39 education to provide academic counseling in
40 conjunction with the institution's programs and
41 services; or (8) a vocational rehabilitation
42 counselor, job counselor, credit counselor,
43 consumer counselor or any other counselor or
44 psychoanalyst who does not [hold himself out as]
45 PURPORT TO BE a counselor whose primary service is
46 the application of established principles of
47 psycho-social development and behavioral science
48 to the evaluation, assessment, analysis and
49 treatment of emotional, behavioral or
50 interpersonal dysfunction or difficulties that
51 interfere with mental health and human
52 development.

53 Sec. 2. Section 4 of public act 97-311 is
54 repealed and the following is substituted in lieu
55 thereof:

56 (a) Except as provided in [subsection]
57 SUBSECTIONS (b) AND (c) of this section, [on and
58 after January 1, 1999,] an applicant for a license
59 as a professional counselor shall submit evidence
60 satisfactory to the Commissioner of Public Health
61 [that he has] OF HAVING: (1) Completed sixty
62 graduate semester hours deemed to be in or related
63 to the discipline of professional counseling by
64 the National Board for Certified Counselors, or
65 its successor organization, at a regionally
66 accredited institution of higher education, which
67 included the core and clinical curriculum of the
68 Council for Accreditation of Counseling and

69 Related Educational Programs and preparation in
70 principles of etiology, diagnosis, treatment
71 planning and prevention of mental and emotional
72 disorders and dysfunctional behavior, and has
73 earned, from a regionally accredited institution
74 of higher education with a major deemed to be in
75 the discipline of professional counseling by the
76 National Board for Certified Counselors or its
77 successor organization, either (A) a master's [or
78 sixth-year] degree of at least forty-two graduate
79 semester hours OR A MASTER'S DEGREE AND A
80 SIXTH-YEAR DEGREE, or (B) a doctoral degree; (2)
81 acquired three thousand hours of
82 postgraduate-degree-supervised experience in the
83 practice of professional counseling, performed
84 over a period of not less than one year, that
85 included a minimum of one hundred hours of direct
86 supervision by (A) a physician licensed pursuant
87 to chapter 370 who has obtained certification in
88 psychiatry from the American Board of Psychiatry
89 and Neurology, (B) a psychologist licensed
90 pursuant to chapter 383, (C) AN ADVANCED PRACTICE
91 REGISTERED NURSE LICENSED PURSUANT TO CHAPTER 378
92 AND CERTIFIED AS A CLINICAL SPECIALIST IN ADULT
93 PSYCHIATRIC AND MENTAL HEALTH NURSING WITH THE
94 AMERICAN NURSES CREDENTIALING CENTER, (D) a
95 marital and family therapist licensed pursuant to
96 chapter 383a, (E) a clinical social worker
97 licensed pursuant to chapter 383b, [or] (F) a
98 professional counselor licensed, OR PRIOR TO
99 OCTOBER 1, 1998, ELIGIBLE FOR LICENSURE, pursuant
100 to section 3 of [this act] PUBLIC ACT 97-311, OR
101 (G) A PHYSICIAN CERTIFIED IN PSYCHIATRY BY THE
102 AMERICAN BOARD OF PSYCHIATRY AND NEUROLOGY,
103 PSYCHOLOGIST, ADVANCED PRACTICE REGISTERED NURSE
104 CERTIFIED AS A CLINICAL SPECIALIST IN ADULT
105 PSYCHIATRIC AND MENTAL HEALTH NURSING WITH THE
106 AMERICAN NURSES CREDENTIALING CENTER, MARITAL AND
107 FAMILY THERAPIST, CLINICAL SOCIAL WORKER OR
108 PROFESSIONAL COUNSELOR LICENSED OR CERTIFIED AS
109 SUCH OR AS A PERSON ENTITLED TO PERFORM SIMILAR
110 SERVICES, UNDER A DIFFERENT DESIGNATION, IN
111 ANOTHER STATE OR JURISDICTION WHOSE REQUIREMENTS
112 FOR PRACTICING IN SUCH CAPACITY ARE SUBSTANTIALLY
113 SIMILAR TO OR HIGHER THAN THOSE OF THIS STATE; and
114 (3) passed an examination prescribed by the
115 commissioner.

116 (b) [Except as provided in subsection (c) of
117 this section, prior] PRIOR to [January] JULY 1,
118 1999, an applicant for a license as a professional
119 counselor [shall] MAY, IN LIEU OF THE REQUIREMENTS
120 SET FORTH IN SUBSECTION (a) OF THIS SECTION,
121 submit evidence satisfactory to the commissioner
122 [that he has] OF HAVING: (1) Earned a master's
123 degree, sixth-year degree or doctoral degree from
124 a regionally accredited institution of higher
125 education with a major the National Board for
126 Certified Counselors or its successor organization
127 deems to be in the discipline of professional
128 counseling; (2) practiced professional counseling
129 for a minimum of two years WITHIN A FIVE-YEAR
130 PERIOD immediately preceding [October 1, 1997]
131 APPLICATION; and (3) passed an examination
132 prescribed by the Commissioner of Public Health.

133 (c) An applicant for licensure by endorsement
134 shall present evidence satisfactory to the
135 commissioner that [he] THE APPLICANT is licensed
136 or certified as a professional counselor, or as a
137 person entitled to perform similar services under
138 a different designation, in another state or
139 jurisdiction whose requirements for practicing in
140 such capacity are substantially similar to or
141 higher than those of this state and that [he has
142 no pending disciplinary action or unresolved
143 complaint against him] THERE ARE NO DISCIPLINARY
144 ACTIONS OR UNRESOLVED COMPLAINTS PENDING.

145 Sec. 3. Section 20-9 of the general statutes,
146 as amended by section 17 of public act 97-311, is
147 repealed and the following is substituted in lieu
148 thereof:

149 (a) No person shall, for compensation, gain or
150 reward, received or expected, diagnose, treat,
151 operate for or prescribe for any injury,
152 deformity, ailment or disease, actual or
153 imaginary, of another person, nor practice
154 surgery, until he has obtained such a license as
155 provided in section 20-10, and then only in the
156 kind or branch of practice stated in such license.

157 (b) The provisions of this chapter shall not
158 apply to:

159 (1) Dentists while practicing dentistry only;

160 (2) [any] ANY person in the employ of the
161 United States government while acting in the scope
162 of his employment;

163 (3) [any] ANY person who furnishes medical or
164 surgical assistance in cases of sudden emergency;

165 (4) [any] ANY person residing out of this
166 state who is employed to come into this state to
167 render temporary assistance to or consult with any
168 physician or surgeon who has been licensed in
169 conformity with the provisions of this chapter;

170 (5) [any] ANY physician or surgeon then
171 actually residing out of this state who is
172 employed to come into this state to treat, operate
173 or prescribe for any injury, deformity, ailment or
174 disease from which the person who employed such
175 physician, or the person on behalf of whom such
176 physician is employed, is suffering at the time
177 when such nonresident physician or surgeon is so
178 employed;

179 (6) [any] ANY person rendering service as an
180 advanced practice registered nurse if such service
181 is rendered under the direction of a licensed
182 physician;

183 (7) [any] ANY nurse-midwife practicing
184 nurse-midwifery in accordance with the provisions
185 of chapter 377;

186 (8) [any] ANY podiatrist licensed in
187 accordance with the provisions of chapter 375;

188 (9) [any] ANY Christian Science practitioner
189 who does not use or prescribe in his practice any
190 drugs, poisons, medicines, chemicals, nostrums or
191 surgery;

192 (10) [any] ANY person licensed to practice any
193 of the healing arts named in section 20-1, who
194 does not use or prescribe in his practice any
195 drugs, medicines, poisons, chemicals, nostrums or
196 surgery;

197 (11) [any] ANY graduate of any school or
198 institution giving instruction in the healing arts
199 who has been issued a permit in accordance with
200 subsection (a) of section 20-11a and who is
201 serving as an intern or resident in a hospital;

202 (12) [any] ANY student participating in a
203 clinical clerkship program who has the
204 qualifications specified in subsection (b) of
205 section 20-11a;

206 (13) [any] ANY person, otherwise qualified to
207 practice medicine in this state except that he is
208 a graduate of a medical school located outside of
209 the United States or the Dominion of Canada which
210 school is recognized by the American Medical

211 Association or the World Health Organization, to
212 whom the Connecticut Medical Examining Board,
213 subject to such regulations as the Commissioner of
214 Public Health, with advice and assistance from the
215 board, prescribes, has issued a permit to serve as
216 an intern or resident in a hospital in this state
217 for the purpose of extending his education;

218 (14) [any] ANY person rendering service as a
219 physician assistant licensed pursuant to section
220 20-12b, a registered nurse, a licensed practical
221 nurse or a licensed paramedic, if such service is
222 rendered under the supervision, control and
223 responsibility of a licensed physician;

224 (15) [any] ANY student enrolled in an
225 accredited physician assistant program or
226 paramedic program approved in accordance with
227 regulations adopted pursuant to section 19a-179,
228 who is performing such work as is incidental to
229 his course of study;

230 (16) [any] ANY person who, on June 1, 1993,
231 has worked continuously in this state since [1978]
232 1979 performing diagnostic radiology services and
233 who, [continues] AS OF OCTOBER 31, 1997, CONTINUED
234 to render such services under the supervision,
235 control and responsibility of a licensed physician
236 solely within the setting where such person was
237 employed on June 1, 1993;

238 (17) [any] ANY person performing athletic
239 training as described in section 19a-16a;

240 (18) [when] WHEN deemed by the Connecticut
241 Medical Examining Board to be in the public's
242 interest, based on such considerations as academic
243 attainments, specialty board certification and
244 years of experience, to a foreign physician or
245 surgeon whose professional activities shall be
246 confined within the confines of a recognized
247 medical school; OR

248 (19) [any] ANY technician engaging in
249 tattooing in accordance with the provisions of
250 section 19a-92a and any regulations adopted
251 thereunder.

252 (c) This section shall not authorize anyone to
253 practice optometry as defined in chapter 380 or to
254 practice dentistry or dental hygiene as defined in
255 chapter 379.

256 (d) The provisions of subsection (a) of this
257 section shall apply to any individual whose
258 practice of medicine includes any ongoing, regular

259 or contractual arrangement whereby, regardless of
260 residency in this or any other state, he provides,
261 through electronic communications or interstate
262 commerce, diagnostic or treatment services,
263 including primary diagnosis of pathology
264 specimens, slides or images, to any person located
265 in this state. In the case of electronic
266 transmissions of radiographic images, licensure
267 shall be required for an out-of-state physician
268 who provides, through an ongoing, regular or
269 contractual arrangement, official written reports
270 of diagnostic evaluations of such images to
271 physicians or patients in this state. The
272 provisions of subsection (a) of this section shall
273 not apply to a nonresident physician who, while
274 located outside this state, consults (A) on an
275 irregular basis with a physician licensed by
276 section 20-10 who is located in this state or (B)
277 with a medical school within this state for
278 educational or medical training purposes.
279 Notwithstanding the provisions of this subsection,
280 the provisions of subsection (a) of this section
281 shall not apply to any individual who regularly
282 provides the types of services described in this
283 subsection pursuant to any agreement or
284 arrangement with a short-term acute care general
285 hospital, licensed by the Department of Public
286 Health, provided such agreement or arrangement was
287 entered into prior to February 1, 1996, and is in
288 effect as of October 1, 1996.

289 Sec. 4. Section 20-252 of the general statutes
290 is repealed and the following is substituted in
291 lieu thereof:

292 No person shall engage in the occupation of
293 registered hairdresser and cosmetician without
294 having obtained a license from the department.
295 Persons desiring such licenses shall apply in
296 writing on forms furnished by the department. No
297 license shall be issued, except a renewal
298 certificate, to a registered hairdresser and
299 cosmetician unless the applicant has shown to the
300 satisfaction of the department that he has
301 complied with the laws and the regulations of the
302 department. No applicant shall be licensed as a
303 registered hairdresser and cosmetician, except by
304 renewal of a license, until he has made written
305 application to the department, setting forth by
306 affidavit that he has successfully completed the

307 [ninth] EIGHTH grade or he has passed an
308 equivalency examination, evidencing such
309 education, prepared by the Commissioner of
310 Education and conducted by the Department of
311 Public Health and that he has completed a course
312 of not less than fifteen hundred hours of study in
313 a school approved in accordance with the
314 provisions of this chapter or in a school teaching
315 hairdressing and cosmetology under the supervision
316 of the State Board of Education and until he has
317 passed a written examination satisfactory to the
318 department. Examinations required for licensure
319 under this chapter shall be prescribed by the
320 department with the advice and assistance of the
321 board and shall be administered by the department
322 under the supervision of the board. The department
323 shall establish a passing score for examinations
324 with the advice and assistance of the board which
325 shall be the same as the passing score established
326 in section 20-236.

* * * * *

"THE FOLLOWING FISCAL IMPACT STATEMENT AND BILL ANALYSIS ARE PREPARED FOR THE BENEFIT OF MEMBERS OF THE GENERAL ASSEMBLY, SOLELY FOR PURPOSES OF INFORMATION, SUMMARIZATION AND EXPLANATION AND DO NOT REPRESENT THE INTENT OF THE GENERAL ASSEMBLY OR EITHER HOUSE THEREOF FOR ANY PURPOSE."

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FISCAL IMPACT STATEMENT - BILL NUMBER SHB 5510

STATE IMPACT Minimal Workload Increase, Minimal Revenue Gain, Minimal Workload Decrease, Minimal Revenue Loss, see explanation below

MUNICIPAL IMPACT None

STATE AGENCY(S) Department of Public Health

EXPLANATION OF ESTIMATES:

It is anticipated that the Department of Public Health (DPH) will be able to comply with the October 1, 1998 effective date for establishing the professional counselor licensure program within its anticipated budgetary resources.

The bill makes more lenient the educational requirements of persons seeking licensure as a professional counselor on or after October 1, 1998. It also extends from January 1, 1999 to July 1, 1999 the date by which an experienced counselor may seek licensure based on alternative criteria. And it changes the time period during which an experienced applicant must have worked in the profession from a minimum of two years immediately preceding October 1, 1997 to a minimum of two years within a five year period preceding July 1, 1999. To the extent that these changes may increase the number of individuals seeking licensure, a minimal workload increase and revenue gain to the DPH will result in the course of processing applications and collecting a \$250 initial and \$150 renewal license fee per applicant.

The bill expands the definition of uncompensated counseling which may be performed by an unlicensed individual. To the extent that this may reduce the number of individuals seeking licensure, a minimal workload decrease and revenue loss to the State will result as the DPH will process fewer applications and not collect the applicable licensure fees.

It also reduces the minimum schooling required of hairdresser/cosmetician applicants from ninth to eighth grade. A minimal number of additional persons may seek licensure. A minimal workload increase and licensure fee revenue gain may result for the Department of Public Health.

House "A" restricts physicians who are eligible to provide direct supervision to a professional counselor applicant to those who are certified in psychiatry and restricts nurses who are eligible to provide direct supervision to those who are certified as a clinical specialist in adult psychiatric and mental health nursing. A minimal number of fewer individuals may seek licensure as professional counselors. A minimal workload decrease and licensure fee revenue gain may result for the Department of Public Health.

House "B" makes changes which would allow any radiographer who on June 1, 1993 had worked continuously in Connecticut since 1979 and who continued to work in the same setting on October 31, 1997 to continue to be exempt from licensure. Under current law any such individual would have been required to have maintained the same job indefinitely to avoid licensure. No fiscal impact is associated with this change, as any affected individuals would retain their exemption.

House "C" changes the minimum schooling that must be completed by a hairdresser/cosmetician applicant from ninth to eighth grade. A minimal number of additional persons may seek licensure. A minimal workload increase and licensure fee revenue gain may result for the Department of Public Health.

House "D" makes technical changes and has no associated fiscal impact.

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OLR AMENDED BILL ANALYSIS

SHB 5510 (as amended by House "A," "B," "C," and "D")*

AN ACT CONCERNING PROFESSIONAL COUNSELORS

SUMMARY: This bill makes a number of changes to the licensure program for professional counselors enacted last year (PA 97-311). It:

1. makes October 1, 1998 the date for beginning the licensure of professional counselors instead of January 1, 1999;
2. extends the licensure period by six months for applicants seeking licensure under an alternative process;
3. expands the list of health professionals who can provide the required direct supervision of license applicants in a post-graduate experience;
4. broadens the current exemption from licensure to include all uncompensated counseling;
5. lowers the minimum educational requirement for a hairdresser and cosmetician license applicant from ninth to eighth grade; and
6. allows the continued performance of diagnostic radiology services by certain individuals.

*House Amendment "A" modifies the master's degree and sixth-year degree requirements for licensure as a professional counselor and makes technical changes.

*House Amendment "B" adds the provision on diagnostic radiology services.

*House Amendment "C" amends the educational requirement for hairdressers and cosmetician licensure.

*House Amendment "D" incorporates gender neutral language.

EFFECTIVE DATE: October 1, 1998

FURTHER EXPLANATION**Professional Counselor Licensure**

Limited Alternative Licensure Opportunity. Current law allows the Department of Public Health (DPH) to license, until January 1, 1999, an applicant who has (1) a master's or sixth-year degree of at least 42 graduate semester hours, or doctoral degree from an accredited institution with a major deemed by the National Board for Certified Counselors (NBCC) to be in professional counseling; (2) practiced professional counseling for a minimum of two years immediately before October 1, 1997; and (3) passed a DPH exam. The bill instead requires that the applicant have a master's degree of at least 42 graduate semester hours, or a master's degree and a sixth-year degree. (The doctoral degree option is unchanged.)

The bill also extends this licensure option period to July 1, 1999 and allows the minimum two years of professional counseling practice to have occurred anytime within a five-year period immediately preceding the application.

Supervision by Others. The law requires a licensure applicant to have 3,000 hours of post-graduate supervised experience in professional counseling over at least one year. This must include a minimum of 100 hours of direct supervision by a licensed physician certified in psychiatry by the American Board of Psychiatry and Neurology, a licensed psychologist, a licensed professional counselor, a licensed marital and family therapist, or a licensed clinical social worker.

The bill allows (1) a professional counselor not yet licensed but eligible for licensure by October 1, 1998 and (2) an advanced practice registered nurse (APRN) certified as a clinical nurse specialist in adult psychiatric and mental health nursing with the American Nurses Credentialing Center to provide the required supervision.

It also specifies that the following can provide the supervision: physicians certified in psychiatry by the American Board of Psychiatry and Neurology; psychologists; APRNs certified as clinical specialist in adult psychiatric and mental health nursing; marital

and family therapists; social workers; or professional counselors licensed or certified as such or entitled to perform similar services under a different designation in another state with practice requirements substantially similar to Connecticut's.

Inapplicability to Other Professions and Activities.

Current law provides that the licensure requirement does not apply to a person participating in uncompensated self-help group counseling or peer counseling. The bill instead provides that licensure does not apply to uncompensated group or individual counseling.

Diagnostic Radiology Services

Under current law, anyone who has continuously provided diagnostic radiology services since 1978 under specified conditions in a setting where employed since June 1, 1993 can continue to do so.

The bill instead allows a person who, on June 1, 1993, has worked continuously since 1979 and who continues to provide such diagnostic radiology services as of October 31, 1997 to continue working.

COMMITTEE ACTION

Public Health Committee

Joint Favorable Substitute
Yea 24 Nay 0